

SECTION 1 - THE ORGANIZATION

1.1. Purpose of the Personnel Policy

The Personnel Policies are designed to serve as a guide to employees of Northwest Indian College, hereinafter “the College,” in dealing with human resource issues by providing a definite source of relevant policy positions of the College.

All regular employees receive a copy of the “Personnel Policies and Procedures Manual” on the first day of employment. The employee may ask for clarity on all personnel matters covered in the manual from Human Resources. A copy is disbursed to the employee and a Control of Manual Distribution form is signed by the employee stating that they are in possession of an issue. All manuals are to be returned to Human Resources upon resignation or termination.

1.2 The Personnel Policy Committee

The establishment of the Personnel Policy Manual was a task completed by the Personnel Policy Committee. A lengthy process of approval was followed and the policy manual was completed following the guidelines. The committee continues to meet monthly in order to maintain the policies and to receive feedback from the college personnel on the success or failures in implementation. Policies can be changed if they are not effective. Contacting a member of the committee with information and documentation is appropriate in either case.

1.3 The Purpose of the College

Northwest Indian College is chartered by the Lummi Indian Tribe as a non-profit, post-secondary educational institution which will meet the requirements of 25 CFR Part 41 dealing with tribally controlled community colleges. Its purpose is to improve the quality of life on northwest Indian reservations by encouraging, preparing and promoting Indian people to successful completion of secondary and post-secondary education.

The Board of Trustees is the governing body, and represents the legal and fiduciary responsibility of the College. The mission of Northwest Indian College is to provide for student success through post-secondary educational opportunities for Northwest Indian people. The college curriculum will include academic, vocational, continuing, cultural, community service and adult basic education. Specific courses of study and activities will be offered in accordance with identified needs and interests of the various participating Indian communities. The college will also provide in-service training, planning, research and evaluation services to tribal institutions and departments as needed. The college will provide opportunities for individuals to gain self-sufficiency in a rapidly changing technological world, while recognizing and nurturing their cultural identity.

1.4 Board of Trustees

The authority and control over the management and operation of the College are vested in the Board of Trustees. The Board of Trustees serves as the employer of all individuals employed at the College. The Board of Trustees reserves the authority to amend the

Personnel Policies in the best interest of the College. The Board of Trustees mandates sound personnel management practices according to the approved policies.

1.5 The President of the College

The President of the College is delegated management and administrative responsibilities and authorities for the College. The President also has authority over the employment of individuals as provided herein.

1.6 Line of Authority

It is the policy of the College to maintain an orderly system of management and administration by establishing a line of authority. The line of authority, outlined in an organizational chart approved by the Board of Trustees, designates positions that have primary responsibility and authority for the supervision and direction of the various divisions and departments, and establishes supervisory levels within each division and department.

A. Delegation of Authority and Acting Status

1. Delegation of Authority occurs when there is or will be an absence of a supervisory employee. The supervisory responsibility of the supervisor is delegated to another employee of appropriate status for a specified period of time not to exceed twenty (20) working days. The delegated employee shall not receive any additional compensation for this delegation.
2. Acting Status occurs when an employee is assigned to a supervisory position during the extended absence of a supervisory employee or when an employee is assigned to a vacant supervisory position.
 - a. An acting status assignment shall not exceed one hundred twenty (120) calendar days.
 - b. An employee on an acting status assignment may receive additional compensation. The President, or, when necessary the Board of Trustees, shall determine if additional compensation will be provided.
 - c. An employee on an acting status assignment determined to receive additional compensation shall receive one-hundred (100 percent) of the difference between his/her salary and the entry level of the position in which he/she is acting.

1.7 Collegiality

Collegiality is defined as the management and administration of the College between the various constituents of the College community including administration, exempt management, staff, faculty and students and provides for participation in the process through which decisions that affect them are made. Participation in the decision-making process shall include, but not be limited to, serving on committees, attending meetings, and submitting comments and reviews to those involved in a particular decision or action.

SECTION 2 - PERSONNEL

Employee or Position Classification

The employee classifications for all positions at NWIC are defined in this section. The positions include permanent, full-time and pro-rata, regular, part-time, temporary, student workers.

2.1 Definition of Employees Eligible for Benefits

Permanent classified employees, faculty, and exempt management and administrators (with contracts in excess of 6 months) working 20 or more hours per week are eligible for NWIC benefits. The employee working a minimum of 20 hours and up to 34 hours will be eligible for pro-rated benefits according to the number of hours worked per week.

2.2 Classified Staff

Classified staff serve the college by performing daily tasks and responsibilities for a specific program, administrator(s) or faculty member to achieve the goals of the department, or requirements of a grant, or both.

The individual must work at least 20 hours per week, or half-time, in consecutive weeks to be considered permanent. Upon satisfactory completion of a 90-day probationary period, classified employees are promoted to permanent status and become eligible for NWIC benefit retroactive to their starting date. The probationary period of ninety (90) days of uninterrupted employment in the same position is required for continued employment and permanency.

Tasks performed are diverse and may require multiple skills. Examples of classified staff positions include but are not limited to clerical, program support, maintenance engineers, library technicians, instructional technicians, teacher's aides.

2.3 Administrators

An administrator serves the college as the Vice President, Dean, Executive Director or Director, Specialist, or Coordinator of one of the administrative units or departments of the college. The administrator has a contract for the fiscal year which may be renewed at the end of the fiscal year, based on performance or continuation of funding.

2.4 Exempt Management

An exempt management employee performs duties and responsibilities that are self-managing for programs or projects, supervises a team, or the position is one established that is part of a career path. The exempt management employee has a contract for the fiscal year which may be renewed at the end of the fiscal year, based on performance or continuation of funding.

2.5 Full-Time or Regular Pro-Rata Faculty

Full-time or regular pro-rata faculty are considered “permanent” for the purposes of benefit eligibility, and have a renewable ten (10) month academic year contracts. This category is also utilized for professional level counseling and/or library assignments.

2.6 New Hires Accepting Contractual Positions

Contractual positions as administrators, exempt management, and full-time or pro-rata faculty are subject to a 90-day probationary period. At any time prior to the completion of the 90-day period the employee may be terminated “without cause.” Following completion of the 90-day probationary period of employment, a performance evaluation will be performed by the supervisor. The employee must be rated successfully to continue employment. After the successful completion of the probationary period, the retirement benefit will be pro-rated and enrollment will take place at that time. The health and dental benefit enrollment will be available as of the day of hire.

Definition of Other Classifications

2.7 Non- Permanent

The college employs or provides remuneration for special services provided by individuals who work short-term. The following classifications in 2.7, 2.8, consultants, and trainers are not considered permanent and are not eligible for paid holidays, accrual of sick leave/annual leave, cultural leave, funeral leave or fringe benefits, and other permanent position benefit.

2.8 Temporary

All classified staff or support staff hired to perform tasks and responsibilities in a position that is identified with a specific start date and an end date are viewed as *temporary*. *Temporary* positions are not to exceed 90 days (three months).

2.9 Part-Time Faculty

Part-time faculty are contracted on a quarter-to-quarter basis for direct teaching, counseling, or professional library duties.

2.10 Student Workers (Work Study Students)

Work Study Students are considered to be students with work experience assignments, rather than college employees. Therefore, students are subject to the Work Study Policy and Procedures published within the Financial Aid Policy. The Financial Aid Officer of the College has all documents containing eligibility criteria, regulations and restrictions for both programs, federal and state.

SECTION 3 - RECRUITMENT, HIRING, EMPLOYMENT

3.1 Employment Practices

The College provides equal employment opportunities regardless of race, religion, color, sex, and national origin, age, marital status, physical or mental disability, or status as a special disabled veteran or a veteran of the Vietnam era; except as provided by the Indian Preference Act (Title 25, U. S. Code, Section 473). Prohibition against discrimination applies to all employment practices including compensation, hiring, promotion, transfer, training programs, discipline, termination, and all other terms, conditions, and privileges of employment.

For the purposes of NWIC hiring decisions, individuals covered under “Indian Preference” would be prioritized as follows:

- 1) Lummi tribal member, or a tribal member of the NWIC campus site location.
- 2) Member of federally recognized tribe (documentation required such as CDIB, enrollment card, certified letter from a tribe).

3.2 NWIC Practices on Fulfilling Indian Preference

The hiring practices that promote placement of Native Americans into all positions are as follows:

1. Initial Hiring Practices

All positions will be advertised through an open recruitment process. The position may be opened as a new position or a backfill for a position that has been vacated. The prioritization of applicants is based on Section 3.1 Employment Practice of the NWIC Personnel Policies.

2. Professional Development

a. Mentorship Program

Employee may request participation in a mentorship program by contacting Human Resources. Through consultation with Human Resources and the supervisor the development of a career plan targets potential areas to be developed in. A mentor is selected and a contract for the mentorship program will be designed to include planned accomplishments and internship activities. Follow-up is quarterly. Upon successful completion of all the components mentioned in the plan the employee will be offered a employment contract (for the mentored position) at the beginning of the new fiscal year (for administrators and exempt management) or fall quarter (for faculty members).

b. Education/Experience

Consideration will be given to a regular employee seeking an administrative, exempt management and faculty position. Once the employee reaches the educational and experiential accomplishments stated in the job description, the employee can apply for the position. He/she is required to contact Human Resources and submit a request for review no later than May 1st of the year. The standard screening and interview process will ensue.

3.3 Nepotism

The College will give consideration to hiring its target population, the American Indian. However, immediate family members may be employed at the college only if the following conditions are met:

1. The family member is not under the direct or indirect supervision of another member of his/her immediate family.
2. The related employee or board member was not involved in the screening, interviewing, or hiring of the second member of the immediate family.

For the purpose of this policy, the term “immediate family” means wife, husband, son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother in-law, sister-in-law, other legal dependents or “significant others” whose living situation creates a conflict of interest between a college supervisor and an employee.

This policy also applies when marriage or a “significant other” living situation occurs after employment. In the event of this situation, one of the employees may be suitably reassigned within the College. If there is not a suitable position for transfer existing at the college one employee will be terminated according to seniority. This policy applies to student and part-time employees as well as full-time employees. The Board of Trustees will have the responsibility for the final decision over this matter, unless it is solved by administration.

3.4 Practices on Establishment of a Position

- 1) All new positions, both permanent and temporary, must be established by the appropriate supervisor, have an approved budget and be processed through the Human Resources with an approved “Request for Staff” and a proposed job description.
- 2) For academic positions, the approvals must be obtained from the appropriate Chair, Vice President, Grant Accountant and Human Resources; and for non-academic positions, the Director, Vice President/President, Grants Accountant and Human Resources.
- 3) Upon the President’s/Vice President’s approval, Human Resources will initiate the recruitment process by advertising the permanent positions.
- 4) Temporary positions may be filled with a qualified applicant without competitive procedures. **The appointment must not exceed 90 days.** Based on the justification and availability of funds.

3.5 Advertisement and Recruitment

Human Resources will be responsible to advertise all approved vacant positions. All approved positions will be announced internally at the same time that it is being advertised to the external market. Applications will be accepted from all interested employees and prospective external applicants. First consideration in the interview process will be given to the internal applicants.

If a qualified internal candidate is selected the position will be filled with that employee. The exceptions for announcement are listed in 3.5a. For external advertisement, the time limit for vacancy announcements will be based on the classification level of the position. The application and supporting materials must be received in Human Resources by the closing date at 5:00 p.m.

- a. Classified Staff 7 days
- b. Administrative, Faculty 14 days
- c. Exempt Management 14 days
- d. Temporary to Permanent 3 days

3.5a Exceptions to announcing a position internally or externally:

1. **Re-organization** – when initiated by the President of the College, where some of or all positions are being re-evaluated, re-designed, and placed into newly developed departments or divisions. The incumbents in the positions have the right to remain in the position being re-evaluated.
2. **Re-classification** of position(s) when an individual department in total, is subject to change through the request of the Director. Jobs are analyzed, positions re-designed and the current employees are placed in positions. (reference 3.17 for procedure)
3. **Lateral transfer** within the same department approved by supervisors and Human Resources.

3.6 Internal Mobility - Promotional

Employees within the College have the opportunity to apply for the internal openings that become available. All classifications of employees may apply by using the same “Internal Mobility Application” whether the position is lateral, promotional, or change in job classification. All positions are announced for not less than three (3) days and must be applied for by 5:00 p.m. on the fifth day to be considered as an internal candidate. Selection is determined by implementing the same process used in screening of external candidates by the Screening Committee. An employee whose job performance is inadequate shall not be eligible for internal movement by any supervisor or administrator.

3.7 Evaluation Process

Human Resources shall be responsible to evaluate all applications and supporting materials to determine the basic qualifications in relation to the job requirements.

3.8 Composition of the Selection Committee

The Selection Committee shall consist of no less than three (3) members. Human Resources shall appoint the committee members and the chairperson, after consultation with the

appropriate supervisor, Director, Executive Director, Chair, Dean, or the Vice President or President. The selection of the committee members will take into consideration the following:

- a. The immediate supervisor or designee, having a knowledge of expertise in the position shall be the chair person
- b. A member from a different program who would interact with the position;
- c. A staff or faculty member from the same or a different Department (depending upon the requirement of the position) who would be familiar with the position;
- d. The Human Resources representative is an ex-officio member.

3.9 Screening Process

The objective of the screening process is to determine the applicants that will be interviewed based on their qualifications. Applicants are screened based on the determination of the application and the Indian Preference Act. No later than the closing date, the immediate supervisor, in cooperation with the committee members, will establish the criteria with which to screen and interview. The criteria will be subject to review by Human Resources. The committee will be responsible to conduct a fair, consistent, and impartial selection process.

3.10 Interviewing Process

The interview has four objectives:

- 1) assess the applicant;
- 2) inform the applicant about the job and the working conditions;
- 3) create good will for the College whether the applicant is selected for a job offer or not.
- 4) recommend an applicant for hire;

The interviews are to be scheduled by Human Resources in consultation with the committee chair. The interviews are held on-site for personal interviews. Telephone interviews may be conducted for candidates for whom on-site interview are not feasible. This is considered a preliminary interview and a second interview or job site visit may follow if the candidate is being seriously considered.

The Selection Committee shall interview all qualified candidates. The recommendation for selection of a candidate and accompanying documentation are prepared by Human Resources.

3.11 Reference Checks

Human Resources makes reference calls on the preferred candidates following completion of the interview process. The reference check results are then sent to the chairperson.

3.12 Recommendation for Hire

Based on the recommendation of the Selection Committee, the name of the selected candidate, along with accompanying documentation, will be submitted by Human Resources to the President for approval to make a job offer.

3.13 Initial Placement on the Pay Schedule

The initial placement on the salary schedule is based on the appropriate pay schedule and shall be made by Human Resources and the appropriate supervisor.

3.14 The Employment Offer

Upon the final selection of the candidate, only Human Resources shall extend a job offer to the candidate.

3.15 Re-Classification of a Position

Job descriptions may be reviewed at any time by the appropriate supervisor when job duties have changed. The purpose of re-classification of a position is to determine what position in the job categories most suits the needs of the department and fits into the job structure. The final result is a re-classified position.

All re-classification procedures require Human Resources to administer and assist the appropriate supervisor, administrator, and current employee to complete a job analysis, and evaluation; this will determine the duties and identify all departmental responsibilities, including the distribution of tasks with current employee. The evaluation may result in a new or re-classified position, title and salary while considering budgetary factors.

3.16 Temporary Hires

A temporary position can be opened and filled without advertising, however there are restrictions and limitations on this type of hire. The following considerations are to be adhered to when filling a position temporarily. The criteria that determines whether a position is temporary includes the following:

- a. the tasks and responsibilities are unable to be completed with the current staff.
- b. the tasks and responsibilities are required through a grant and necessary but short-lived, specifically not more than 90 days.
- c. position responsibilities expire after 90 days.
- d. temporary is filling in for a full-time regular employee on leave scheduled to return within the 90 day period.

If a temporary is being considered and the supervisor or hiring manager anticipates the position needs to be filled for more than 90 days, it is recommended that the position be advertised and filled for the length of time of the grant or circumstance.

The selection and initiation of hiring a qualified temporary must be approved by the appropriate Vice President and Human Resources. The Vice President has the responsibility for approving the selected temporary. A "Request for Staff" form and new hire documents are required. Approval by the Grant Manager or Finance Director is also required for funding. **The limitation on temporary personnel is 90 days.** They are not eligible for benefits during that time.

Advertising of a temporary position depends on the hiring managers request for services. If a position can be filled by internal means it is not necessary to advertise in the newspaper or other forms normally used for full-time positions. Human Resources can assist the manager in this decision.

SECTION 4 - PERSONNEL RECORDS

4.1 Personnel Files

Personnel files are confidential and secured. Human Resources is responsible for the maintenance, storage, and record keeping practices. A personnel file is established when the Human Resources office receives official documentation (contract or personnel action request form) on a new hire. The personnel file is maintained upon date of employment and is a depository of records and documents concerning that individual during the employment period.

4.2 Access to Personnel Files

The personnel file of each employee is confidential and accessible to Human Resources, the College President, department head, direct line-supervisory personnel, and the individual employee, and is only accessible on a “reasonable cause” basis. Supervisors and department heads may request information from an employee file but must provide Human Resources with “reasonable cause” in writing. The employee may request to review information in his/her file and request a copy of a document in the presence of HR personnel, but cannot remove any originals from the Personnel Office.

Employees who feel that his/her file is incomplete, or inaccurate, may request in writing that Human Resources review the file. A collaboration between Human Resources, the employee and the supervisor takes place, and all efforts are made to reach agreement on the issue to be reviewed. If, after the review the employee is not satisfied with the outcome, he/she may have a written statement of disagreement placed in the personnel file. Personnel records can be offered as evidence that the College uses fair employment practices and follows personnel policies if involved in legal issues.

4.3 Access to Inactive Files

The supervisor of a potential open position is subject to accessibility concerning review of a former employee’s personnel file to view documents such as performance evaluations, application materials, separation paperwork to determine prior employment performance. The supervisor is restricted to the same policies regarding viewing the documents as in 4.2.

4.4 Employment Inquiries and Applications

All inquiries regarding verifications of employment and salary are to be directed to Human Resources. Prospective employers, banks, mortgage companies, tribal housing, etc. request personnel information concerning current and past employees. Human Resources will provide information on employment start and ending dates. Salary requests must be in writing and have a release of information signed by the current/former employee.

4.5 Reference Checks

Inquiries made directly to college supervisors, regarding an employee's current or former performance as an employee are to be handled prudently. Examples of information that can be released are: dates of employment, job titles during employment, job performance, strengths, shortcomings, reason for leaving, and would they be considered for re-hire. Facts can be provided, but under no circumstances is a manager to refer to the employee's character, or personality traits, gossip, or any subject matter that can be considered slanderous.

4.6 File Retention

Inactive personnel files are retained in file storage and are not destroyed. Job files containing announcements, applications, selection process documentation are retained for five years.

SECTION 5– THE WORKING ENVIRONMENT

5.1 Health and Safety

NWIC strives to be in compliance with all applicable tribal, federal, state, and local health and safety regulations and to provide a work environment free of recognized hazards. College administration is responsible for the implementation of tribal, federal, state, and local regulations and is consistently striving to provide a safe work place. Employees will comply with all safety and health regulations while on the campus property; or on college business at remote sites, traveling to other areas, or the using campus vehicles. The College has a standing Health & Safety Committee. Cost efficient methods of achieving safety are valued and suggestions are encouraged.

5.2 Employee Safety

An employee's responsibilities while on the college campus include but are not limited to the following:

- Inspecting own work area periodically to identify any safety hazards, and report them to the supervisor.
- Reporting all accidents and injuries in writing to their immediate supervisor by the end of next working day.
- Not engaging in any activity that endangers themselves or another employee.
- Reporting unsafe conditions to the appropriate College official.
- The college campus facility is to be kept clean and orderly at all times. The employees are responsible for maintaining the work areas in a clean and orderly manner.
- Supervisors and employees are responsible for making sure that the work areas are free of debris, and other unnecessary items.
- All employees should monitor the facilities and equipment and issue maintenance requests where appropriate.
- Supervisors report in writing to the appropriate College Official any existing or potential work-place hazard.

5.3 College Vehicles

Vans are to be driven by full-time college employees only and passengers are restricted to visitors and employees and program participants. Temporary employees, work-study student/employees are permitted to be in the van, but are not permitted to drive. Children are permitted in the college vehicles with prior approval.

5.4 Worker's Compensation

The college strives to provide an accident free workplace; however, on occasion accidents do occur. The following steps are to be taken in the event of an accident.

- The employee and/or the supervisor are to report immediately any work related accidents to Human Resources within 1 working day.
- The employee is to seek immediate medical attention.
- The supervisor is to obtain a Workmen's Compensation packet containing an Accident Report and other required forms from Human Resources, and give to the employee.
- When an employee goes to the doctor, the attending physician completes the Personal Injury Report included in the Workman's Compensation packet.
- It is the employee's responsibility to complete the report and is to be reviewed and approved by the immediate supervisor.
- The report is given to Human Resources and it is forwarded to the Workman's Compensation carrier.
- Once the Workman's Compensation carrier receives the completed claim form, the claim will be processed and a claim number assigned.

If the Workman's Compensation carrier does not receive a completed claim form, no time loss or medical benefits will be compensated.

5.5 NWIC Drug Free Workplace Policy

Northwest Indian College acknowledges all employees and students as role models representing the College and is therefore committed to maintaining the Lummi campus and all tribal sites served as environments that are free of alcohol and drugs.

To ensure the safety and well being of all employees, students, and members of tribal communities, Northwest Indian College endorses a drug and alcohol free workplace and campus(s) in support of academic excellence, work performance and quality of life, as well as the future well being of all members in the communities the college serves.

The Northwest Indian College policy for a drug and alcohol free workplace encompasses these principles:

1. The college is committed to the safety and well-being of all employees, students, and members of tribal communities. Northwest Indian College endorses a drug

and alcohol free workplace/campus. The unlawful possession, manufacture, use or distribution of illicit drugs or alcohol by students or employees on Northwest Indian College property or as part of college activities is prohibited. Any violation of tribal, local, state, or federal law regarding the unlawful possession, manufacture, use or distribution of illicit drugs or alcohol may result in referral for prosecution and imposition of penalties.

2. The college will impose sanctions consistent with tribal, local, state and federal law and adopted regulations on students and employees found to have violated this policy. Such sanctions may include recommendation for completion of an appropriate rehabilitation program, expulsion from the college or termination of employment and referral for prosecution. Student disciplinary action will be initiated in accordance with these laws.
3. The College adheres to a “zero-tolerance”. *Zero-tolerance* is providing the employee one opportunity for rehabilitation; should the employee choose to use alcohol/drugs after the initial intervention, the employee will be terminated. Drug and alcohol issues are not part of the grievance or appeal process.
4. “No-Tolerance” applies to any College employee who works with or serves a minor (under age 18) at any time. *No-tolerance* is defined as: immediate dismissal from employment should the employee’s behavior/symptoms be the direct effect of alcohol and/or other drugs (including those not currently prescribed by a physician).
5. The College conducts “for-cause” drug testing. *For-Cause* drug testing means “reasonable suspicion” based upon objective criteria in observing the employee’s behavior and work performance.

This policy is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, P.L. 102-226. *Board of Trustees Approved 3/29/04*

NWIC – DRUG-FREE WORKPLACE PROCEDURES - 2004

The use of illicit drugs and the abuse of alcohol may result in numerous physiological, psychological, emotional and sociological disorders. College and community resources are available to assist employees and students with problems related to alcohol and other substance abuse. County alcohol centers and mental health clinics are available for employees and students.

A brochure describing available services and listing telephone numbers is available in the Human Resource office for employees and in the Center for Student Success for ALL students.

Student Empowerment Team - When student behavioral problems associated with alcohol and other drug abuse occur, the College employs a team problem-solving approach. The Student Empowerment Team shall consist of the Vice-President for Student Services, Director of Financial Aid, Director of Human Resources, Maintenance and Facilities Manager, Life Skill/Wellness Student Advisor, Director of College BRIDGE Programs, and Materials Manager. Ongoing review and recommendation is provided by the Student Empowerment Team. The team shall meet at least monthly and as necessary to work together to suggest

intervention strategies that are considered to be the most appropriate and effective for eliminating specific negative student behaviors, especially those related to substance abuse.

I. **Supervisor Training**

If substance abuse is contributing to an employee's poor performance, ignoring or avoiding the issue will not help the situation. An employee's use of alcohol or drugs may be the root of the performance problem; however, substance abuse on the part of someone close to the employee also could be the source. Regardless, abuse of alcohol or other drugs inevitably lead to costly and potentially dangerous consequences in the workplace unless action is taken to confront the issue. It is NOT the job of the supervisor to diagnose the alcohol or drug problem. It is the role of the supervisor to be alert to changes in employee performance and thus working to improve employee productivity as a core component of every supervisor's job. To carry out this responsibility, a supervisor must clearly understand the college Drug-Free Workplace Policy and have the ability to identify performance problems that may be the result of alcohol and drug abuse. The supervisor must be capable of making appropriate referrals for employees in need of assistance for alcohol and/or drug related problems such as:

- Drug-Free Workplace Policy
- Supervisor Responsibilities in implementing the policy
- Ways to recognize and deal with employees who have job performance problems that may be related to alcohol and other drugs
- Understanding the laws of *confidentiality*

Symptoms

To assist supervisors in recognizing symptoms related to poor work performance, it is important they know what these symptoms may be. The following performance and behavior problems are common to many employed individuals who abuse alcohol and/or other drugs. It is important to note that if an employee displays these symptoms, it **does not** necessarily mean he or she has a substance abuse problem.

Employee Performance Problems:

- Inconsistent work quality
- Poor concentration
- Lowered productivity
- Increased absenteeism
- Unexplained disappearance from the work setting
- Carelessness, mistakes
- Errors in judgment
- Needless risk taking
- Disregard for safety
- Extended lunch periods and early departures

Employee Behavior Issues:

- Frequent financial problems
- Avoidance of friends and colleagues
- Blaming others for own problems and shortcomings
- Complaints about problems at home
- Deterioration in personal appearance
- Complaints and excuses of vaguely-defined illnesses

II. **Employee Education**

An alcohol and drug education program is a systematic approach to providing employees with the information they need to fully understand, cooperate with and benefit from the Drug-Free Workplace Program. ALL employees are required to participate in the alcohol and drug education program. The education is offered on an on-going basis and is offered through a variety of means. These include:

- Fall In-Service
- Personnel Policy Manual
- Orientation on first day of hire
- Faculty Handbook
- Accounting Practices Handbook
- Web-site

The college *Employee Assistance Program* (EAP) provides confidential referral for alcohol and drug rehabilitation. The EAP has the responsibility to assist in resolving poor workplace performance that may stem from an employee's personal problems related to alcohol and drug abuse. The EAP has the unique role of monitoring the progress of any employee who may be formally referred for rehabilitation.

The Director of Human Resources does the confidential referral and follow-up to the contracted provider. No records of the assessment and treatment plan (if appropriate) are kept in the possession of the college. Failure to comply with referral, assessment, and completion of recommended treatment plan are grounds for termination of employment.

Self-Referral

Any employee, at any time, can seek assistance through Human Resources then the EAP.

Self-Referral "Denied"

If a formal referral is made by the Director of Human Resources following the steps in formal referral process, this action supersedes that process. A formal referral negates the self-referral.

Formal Referral

The supervisor initiates the formal referral by meeting with the Director of Human Resources, provides documentation regarding the employees behavior and work performance.

Formal referral process:

STEPS

1. A preliminary meeting has been conducted by the employee's supervisor and Director of Human Resources.
2. Supervisor refers employee to Director of Human Resources, where the employee is informed of reporting time to the EAP, then
3. The employee reports to local lab for testing immediately,
4. Upon completion of the testing the employee meets with the EAP for assessment and must comply with treatment recommendations,
5. The employee does not return to the workforce until the EAP reports back to Human Resources,
6. If the employee is unwilling to comply with treatment recommendations their employment is terminated.

III. Student Education

The *Student Assistance Program (SAP)* is designed to educate the student as to the health risk factors. The *Health Risk Factors* are published and distributed to all students in the following documents:

- Student Handbook
- Financial Aid Handbook
- Site Handbook
- Quarterly Course Schedule
- College Catalog
- Web-Site
- Brochures & Posters

The SAP provides confidential services for education, referral, and clinical support in addressing the risk factors related to alcohol and drug abuse.

Sanction

The Center for Student Success will provide every opportunity for the student to rehabilitate, however, the student must recognize that they are responsible for choices they make. Knowing that every effort has been made to counsel and support the student; the student must recognize that his/her alcohol/drug use will impact their

health, relationships, spirit, academics and ability to succeed in school. Students are subject to the policies of NWIC regarding alcohol/drug use.

IV. Testing of Employees

Alcohol and drug testing is conducted in the following situation – “for cause”- *for cause entails reasonable suspicion*. When there is reasonable suspicion that alcohol or drugs is contributing to poor work performance, a referral is made by the Supervisor to the Director of Human Resources. After meeting with the Director of Human Resources, the employee reports directly to the lab and the drug test is conducted immediately. If transportation is needed, it will be provided. The employee will leave their workplace and report to the lab for urinalysis testing. Upon return from the lab, the Director of Human Resources will refer the employee to the appropriate agency for an alcohol/drug evaluation and the employee must comply with all recommendations resulting from the evaluation. Monitoring of progress will be done confidentially by the Director of Human Resources.

If an employee is operating a college vehicle, and is involved in an accident (whether law enforcement are involved or not), they are required to report immediately to the Director of Human Resources who will then facilitate immediate drug testing. The Director of Human Resources will notify the employee’s direct supervisor. A decision will be made as to whether the employee will return to work that day.

Sanctions

Zero-Tolerance – if an employee is formally referred to the EAP for alcohol/drug abuse and subsequently enters into a rehabilitation program, should this employee again choose to use alcohol and/or drugs, the employee will be dismissed from employment with the college.

No-Tolerance – if an employee is found to be under the influence of alcohol and/or drugs (including those not prescribed by a physician), their employment is immediately terminated. The employee’s Supervisor and the Director of Human Resources will process the termination. NOTE: This applies to any employee who works with or serves students under the age of 18.

5.6 The Campus

The College depends on the honesty and integrity of the college staff and students to protect the college property. Any unusual activity observed should be reported to college officials immediately. If the occurrence takes place after hours, or on weekends, then Lummi Law & Order is to be notified immediately by phoning 911. This may include activities such as, but not limited to: physical abuse of any person, possible theft on the college premises; violations in safety; signs of illegal entry; possibility of unauthorized removal of college equipment and supplies from the premises; or any activity that is suspicious in nature.

5.7 Visitors

The College campus is open to students, staff, and community members that are attending classes have business with the college, or are using the library.

Visitors to the college are welcome, however, when students from local schools are on campus they are expected to obey the same rules as the students attending the college, including smoking in designated areas. Non-college students will be discouraged from spending long periods of time in the Student Center and Snack Bar area.

SECTION 6 - CONDITIONS OF EMPLOYMENT

6.1 Employee Rights

Employees are to treat each other with respect and consideration. Harassment or abusive treatment of any employee for any reason is not tolerated (see Section 8 of Personnel Policy). Verbal or physical conduct which is identified as harassment, intimidation, or creating a hostile environment is against the law (Title VII of the Civil Rights Act) and NWIC policy. Employees that are threatened or intimidated by students at the college are to reference the Student Conduct Code in the NWIC catalog and see the Vice President of Center for Student Success.

6.2 Employee Responsibilities

- A. Philosophy and Mission - every employee at Northwest Indian College is a representative of the college while in the workplace or on college business. The employee conducts himself/herself in accordance with the philosophy and mission of the college.
- B. Code of Ethics for Employees - The employee shall have a strong work ethic in the completion of all job assignments and projects, follow personnel policies, and act in accordance with the “Code of Ethics for Employees” (Appendix E)
- C. Providing truthful background information - all of the information presented in the application package is to be accurate and correct. The applicant signature on the employment application is a verification that all information is truthful. After an applicant becomes an employee any information verified as false representation of self may be cause for immediate termination according to Corrective Action Section 8.
- D. Job Duties & Responsibilities - employees are given a job description upon acceptance of a job. The job description defines the expectations concerning duties and responsibilities the employee is to perform. The tasks and responsibilities are to be performed competently. The position may include “other duties as assigned“ which duties will generally be at the same skill level.
- E. Performance Improvement - An employee is expected to make a conscientious effort to improve job performance when identified by supervisor’s comments in an evaluation.

If there is a deficiency which requires additional training the supervisor has the responsibility of recommending adequate training to correct the deficiency at the expense of the College. The employee is responsible to complete the training within a reasonable time frame.

- F. Attendance - All employees are to be at work every day with the exception of previously approved leave days. It is mandatory to communicate the request for the day off by 8:30 a.m. or on the first day of sickness to the immediate supervisor, or Human Resources if the immediate supervisor is not available. Poor attendance and excessive tardiness are disruptive and may lead to corrective action and termination of employment.
- G. Leave Guidelines - The College requires all employees to follow the leave policy guidelines. If an employee does not call in for three (3) consecutive days to the immediate supervisor or Human Resources, it is considered job abandonment. HR action will include removing the employee from the payroll, and sending a certified letter to the employee's home address stating the reasons for termination.
- H. Media - Employees of the College are not permitted to speak to any mass media organization on matters concerning the college such as fund raising, college policies, other employees, future planning, or proprietary information without requesting and receiving approval from the appropriate College official.
- I. Dress - Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image NWIC presents to students, customers, clients and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be paid for this time and will not be allowed to use their accumulated leave time.

Employees are expected to dress in a manner which is viewed as appropriate to the position they hold. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

1. Clothing that is provocative, offensive or revealing is not permitted.
2. Employees are expected to use good judgment in the apparel that they wear as a representative of the college.
3. If a manager other than the immediate supervisor is concerned about someone that is not dressed properly and who is not under their supervision, they may address the issue with the immediate supervisor of that person and not the individual.

The manager of the individual is expected to look into the matter, respond and take appropriate action if necessary.

- J. Equipment and Supplies - Employees may use college equipment and supplies for work purposes only such as the computer, photocopier, paper, telephones, etc., but it is prohibited for any equipment to be taken off the college property unless authorized by a College Official. The return of items is the responsibility of the employee. The non-return of college property by any employee is subject to corrective action, possible termination, and repayment of value.
- K. Confidentiality - In the course of the job duties an employee may learn information which should be kept confidential and not discussed or disclosed. Confidentiality is expected of the employee on all matters. This also includes sensitive information about individuals working at the college, controversial information, disclosure of confidences, and information maintained in student records, and personnel files. Ignoring the confidentiality policy may be grounds for discharge or Corrective Action.
- L. Improper Use of Equipment - Computer systems, Internet and E-Mail Usage Computers, files, e-mail system, and software furnished to employees is to be used for business use only during working hours excluding lunch and breaks. Employees should not use passwords, access files, or retrieve any stored communication other than their own without the proper authorization to do so. The College prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes but is not limited to, chain e-mails, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- M. Children in the Workplace - All employees are expected to maintain a professional atmosphere when working at the College. On occasion, a situation may arise where a child is brought to the office because of circumstances that are beyond the control of the parent. Supervision of the child is the responsibility of the parent and the amount of time is limited. Under no circumstances are children to be in the workplace for a lengthy amount of time or hours at any given time.

The arrangement of a child in the workplace may be acceptable for a short period of time (half-hour) until other arrangements are being made. However, the supervisor is to be notified and the employee will need to receive approval for that situation. Bringing children to work on a regular basis is discouraged due to the distraction, and liability. The best option for the college is for parents not to bring children to the college due to the liability. Due to the liability implications, children will not be allowed in the college vehicles.

Nursing mothers are permitted to arrange with their supervisor a proposed schedule for feeding their infants during the working hours. The employee should find a place in the area for privacy either in an empty office, or conference room. Employees are free to use their existing break and lunch periods.

6.3 Policy Against Discrimination

NWIC will not discriminate against any individual based on sensory, physical or mental disabilities, age, sex, race, color, creed, religion, or marital status; except as provided by the Indian Preference Act (Title 25, U. S. Code, Section 273) as described in Section 6 Recruiting, Hiring, and Employment.

6.4 Sexual Harassment Policy

1. It is the policy of the college as an employer:
 - a) to provide college employees and students with a working and learning environment free from sexual harassment.
 - b) to communicate the college's sexual harassment prevention policy and reporting procedures to employees, supervisors, and students;
 - c) to recognize the unique nature of complaints of sexual harassment, to encourage early reporting by employees and students, and to resolve complaints promptly, confidentially, and at the lowest management level possible;
 - d) to prohibit retaliation against any employee or student because he or she has made a report of alleged sexual harassment or against any employee who has testified, assisted, or participated in any manner in an investigation of a report.

2. It is not the purpose of this policy to intrude upon the personal lives of employees and students or to interfere with social relationships. Sexual harassment, however, is unacceptable behavior when carrying out the business of the college and will not be condoned or tolerated.

The Definition of Sexual Harassment - The primary federal law prohibiting sex discrimination is Title VII of the Civil Rights Act of 1964. This act describes sexual harassment as any unwelcome conduct or communication of a sexual nature (harassment) that takes place based on sex. The harassment would affect a term, condition, or privilege of the person's employment.

Quid pro quo sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical contact of a sexual nature when submission to the conduct is either explicitly or implicitly made a condition of employment; or submission to or rejection of the conduct is used as the basis for an employment decision. In other words, the harassment forces one to choose between submitting to sexual advances and losing work opportunities and benefits.

A "Hostile Environment" is defined as verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work or performance, or creating an intimidating, hostile, or offensive working environment. Incidents such as repeated sexual or derogatory jokes and remarks, offensive physical contact, and/or solicitation of sexual favors may be viewed as sexual harassment under this standard.

The supervisor has a responsibility to maintain a work place free of any form of harassment. A supervisor is not to ignore or tolerate any harassment incident, which she/he is aware. The supervisor must investigate all complaints of harassment promptly and should seek help from the Human Resource Department if necessary.

Investigating an Incident - If the immediate supervisor is involved in the incident, the employee is to report it to the next level supervisor. If an employee has been sexually harassed, he/she must first notify the immediate supervisor of his/her department, and present a written complaint to his/her supervisor and to Human Resources.

The immediate supervisor has the responsibility for notifying Human Resources of the incident and is to include the document presented by the employee. If the immediate supervisor is involved in the incident the employee is to report it to the next level supervisor.

All incidents of harassment must be investigated promptly and in an impartial confidential manner. Human Resources submit all information to the College President. The College President, supervisor, and appropriate College official arrive at a recommendation together. Human Resources has (10) working days after receiving the complaint to respond and begin the review of allegations with all parties, unless the representative and the complainant agree to an extension with a definite date.

After an investigation has taken place any employee, supervisor, or college official etc. that has been determined to have engaged in harassment of another employee will be subject to the appropriate corrective action up to and including termination.

6.5 Child Labor Laws

Any employee under eighteen (18) years must have written consent from his/her legal guardian approving his/her working hours. This letter shall be submitted to the Human Resources with the employee's first personnel action form and will be added to the employee's personnel file.

No employee under the age of eighteen (18) shall be allowed to operate any equipment during working hours except for regular office equipment (photocopiers, computer, etc).

6.6 Job Descriptions

All regular positions approved by the President shall have a written job description on file. A job description will be in each employee's personnel file and a copy maintained in the Human Resources Job Description Manual. A job description contains the following:

- 1) Position title and identification of classification
- 2) Reporting Relationship
- 3) Work schedule
- 4) Scope of the position
- 5) Performance goals for position
- 5) Statement of various objectives and responsibilities relevant to achieving performance-based goals

- 6) Qualifications required to perform the position successfully
- 7) Preferred qualifications of the position

6.7 Contracts

All full-time employees will receive a contract that will include at least the following:

- 1) Beginning and ending dates of the contract period
- 2) Position title and specific assignment
- 3) Specific remuneration and payment schedule
- 4) Reference to appropriate benefits, work calendar, position duties and responsibilities
- 5) Signature of the hiring authority
- 6) Signature of employee
- 7) Source of funding
- 8) Release of contract

Original contracts are stored in the individual's personnel file, and a copy is provided to the employee and the supervisor.

6.8 Orientation

Human Resources is responsible for new employee orientation.

- a) Completion of employment forms (W-4 and I-9)
- b) Providing benefit documents for review and completion
- c) Providing NWIC Personnel Policy and Procedure Manual on the first day of employment
- d) Providing information on organizational structure

The immediate supervisor is responsible for the following:

- a) introducing the employee to the department staff and all other college personnel
- b) sharing the goals and priorities of the department and the college
- c) providing a list of duties and responsibilities of the position held based on job description
- d) providing access to work area and support facilities.

6.9 Work Schedule for Classified Staff

- a) Hours - The regular college business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. All classified support staff are to be at their work area ready to begin work at or before 8:00 a.m., unless their job description specifically indicates a different start time, (such positions might include library, maintenance, custodial, etc.) or a flexible schedule that has been agreed upon and approved by the immediate supervisor.
- b) Time Clocks – all hourly classified staff members will be required to clock in as follows:

- 1) when you arrive in the morning
- 2) clock out for lunch
- 3) clock back in after returning from lunch
- 4) at the end of the day

Payroll does not accept handwritten time cards unless supervisor has requested an exception that is not on-going or consistent.

- c) Each employee is entitled to a 60 minute lunch break and mid-morning and mid-afternoon break of 15 minutes. Each break will be scheduled such that the college services are continuously available for potential or current students. Employees must take a minimum of 30 minutes for lunch.
- d) Restrictions - Break time may not be accumulated or used in lieu or in place of approved or unauthorized leave, except as specified in *Section 11 - Employee Development*.
- e) Flexible Schedule - certain positions require flexibility in their schedule. This may be consistent or incidental. The flexibility of hours worked can be agreed upon by the supervisor and the staff member. A schedule outside of the 8:00 a.m. to 5:00 p.m. hours, Monday through Friday, must be approved by the supervisor.

6.10 Performance-Based Evaluations

Performance-based evaluation of employees shall be made annually in order to,

- (1) encourage good standards of performance;
- (2) provide the employee feedback on their performance in relation to achieving goals; and
- (3) provide documentation for judgments on personnel actions, e.g., professional development, contract renewal/non-renewal or termination of employment.

Performance-Based Evaluation Model

The performance-based model begins with a job description for every position in the College that identifies performance-based goals and specific objectives and responsibilities to achieve the goals. The performance-based evaluation is conducted taking into consideration the accomplishments of the year (provided by the employee) in relation to the specific objectives and goals. The supervisor conducts the evaluation session applying the ratings according to the level of achievement of the goals and range from unsatisfactory to far exceeds.

With the exception of the Classroom Observation Evaluation Form, Human Resources shall be responsible for issuing Performance-Based Evaluation Forms prior to the scheduled evaluation time. The completed performance-based evaluation forms shall be kept in the official personnel file in the Human Resources office. All performance-based evaluations must be held in strict confidence.

Performance In Relation to Salary Increases

Budgetary limitations affect salary increases; therefore, performance-based evaluations and salary increases shall determine whether an employee receives the yearly progression increase either on July 1 or the new fiscal year or the anniversary date of that year. A rating of “satisfactory” or better is required in order to receive the progression raise.

A. Types of Performance-Based Evaluations

The performance based-evaluation cycle is from July 1 to June 30 of each year. Evaluation of all personnel is conducted by supervisors from April 1st through April 30th each year.

1. Classified Staff Scheduled Performance-Based Evaluation.

The classified staff personnel shall receive (1) evaluation per year and the supervisor will evaluate the employee from April 1st through April 30th each year. The annual step increase will take place on the anniversary date and will not require another evaluation at that time. Copies of the evaluation will be forwarded to Human Resources. The evaluation is based on the job description performance-based goals and accomplishments.

2. Administrative and Exempt Management Personnel Scheduled Performance-Based Evaluation

Administrative and Exempt Management personnel shall be evaluated yearly and the supervisor is responsible for conducting the evaluation during the month of April of each year and forwarding to Human Resources no later than April 30th. The evaluation is based on the job description performance-based goals and accomplishments.

3. Faculty Personnel Scheduled Performance Evaluations

- a. All new NWIC faculty members will be evaluated during the first quarter of the teaching contract. The evaluation will consist of Classroom Observation, the Faculty Evaluation (by supervisor), and Student Evaluation, Faculty Self-Evaluation, and Peer. The full comprehensive evaluation is required of all faculty including full-time, pro-rata and part-time. The completed documents will be due in Human Resources on week prior to the last class during the first quarter of the teaching assignment.
- b. All new and continuing Faculty will receive the Faculty Performance-Based Evaluation focusing on the accomplishments of the faculty member as teacher, advisor, committee participant, and community involvement.
- c. Continuing Faculty are to receive a comprehensive evaluation every three years following the first year of evaluation. The comprehensive evaluation includes Classroom Observation, the Faculty Evaluation (by supervisor), the Student Evaluation, Faculty Self/Evaluation, Peer Evaluation and Performance-Based Faculty Evaluation. The evaluation period will take place during the month of April of the third year and will be due in to Human Resources no later than April 30th of that year.

- d. Student Classroom Evaluations All faculty including full-time, pro-rata and part-time are subject to student evaluations being administered during the last week of the quarter for every class taught at NWIC. Unsatisfactory student evaluations may initiate a comprehensive performance evaluation, developmental plan of action or both from supervisor. Unsatisfactory evaluations whether from student evaluations or a comprehensive can eventually lead to termination of a contract.

B. Unscheduled Performance Evaluations

An unscheduled performance-based evaluation may be conducted at any time other than the normal review schedule when in the judgment of the immediate supervisor and the appropriate College official believe such an evaluation is necessary. Examples of reasons for an unscheduled performance evaluation would be Student Evaluations are less than satisfactory for a faculty member will activate a full comprehensive evaluation, lack of performance in position, and non-adherence to personnel policies.

C. Acknowledgment of Performance Evaluation

After the performance-based evaluation has been discussed with the employee, the performance-based evaluation form shall be signed by the employee and his/her supervisor. An employee's signature does not imply that the employee agrees with the evaluation but serves as acknowledgement of its contents.

D. Response to Performance Evaluation

An employee shall be given the opportunity to respond in writing to his/her performance-based evaluation. The written comments must be submitted to the supervisor within ten (10) working days from the date the evaluation is signed by the employee. The supervisor shall respond to the written comments and forward to the next level supervisor for a decision. If the performance-based evaluation is unsatisfactory, the supervisor shall develop a "performance improvement plan" (PIP) for the employee. The PIP shall consist of clear and objective performance standards, reflecting how the performance will be monitored and how assistance and feedback will be provided during this period. The supervisor is fully responsible for providing the necessary assistance and feedback to the employee on a regular basis. A final evaluation of improvement will be made at the end of the PIP period. The period can be 30 to 90 days. If the employee has been on a improvement plan during the contract year and has continued the deficient performance this would constitute grounds for removal from the position and termination, or at the least non-renewal of a contract.

E. Unsatisfactory Performance Evaluation

Consistent less than satisfactory performance evaluation is the basis for initiating a professional development plan. An employee that does not make the necessary changes to be satisfactory or better will no receive a renewed contract for the new fiscal/academic year. Lack of improvement can cause termination.

F. Identifying Yearly Goals

The goal planning session is required and takes place within a month of the yearly evaluation discussion. Goals need to be developed for the new fiscal/academic year documented and agreed upon by the supervisor and employee. The goals for the upcoming year are based on the job description. Changes to the job description are warranted at this time. Goals should be documented and on file for employee and the supervisor.

G. Documenting Accomplishments

Accomplishments in relation to goals are documented by the employee no later than the end of March. The preparation of accomplishments or achievements is submitted for consideration and review at the performance-based evaluation discussion. The supervisor determines the ratings and arrives at an overall rating for the years accomplishments based on the accomplishments.

H. Schedule of Performance-Based Cycle

1. July 1 through June 30 evaluation period.
2. Last two weeks in March the employee develops the accomplishments of the year in relation to the goals established.
3. Performance-based evaluation is conducted w/the employee from April 1 through April 30 using the accomplishments and the performance-based evaluation document.
4. Goal planning session takes place establishing next years goals during the month of May.

6.11 Outside Employment

Outside employment is permitted as long as it does not result in any of the following conditions:

1. Conflict with or impairment of assigned duties at NWIC,
2. Conflict of interest,
3. Unfavorable publicity or poor public relations to the college or the Lummi community.

Full-time permanent employees must be on approved leave (paid or unpaid) if outside employment makes them unavailable for their commitment to the college.

SECTION 7 - SALARY AND PAYROLL

7.1 Wage and Salary Administration

All Salary Schedules for Administration, Faculty, Exempt Management, and Classified Staff are located in the Appendix section of the manual. (Salary Schedules – Appendix C) 1. All Salary Schedules including Administration, Exempt Management, Faculty and Classified Staff Personnel are formed by a formal and systematic compensation plan and is the responsibility of the Director of Human Resources, in coordination with the President and approval of the Board of Trustees. The compensation plan shall allow the College to control and monitor its payroll costs while simultaneously defining reasonable salary and wages relevant to the prevailing

labor market. The development and maintenance of the compensation plan shall include, but not be limited to: a job analysis, job evaluation, job descriptions, pay surveys and the salary and wage schedules. The Board of Trustees shall have final approval and authority regarding the compensation plan.

7.2 Salary and Wage Information

The salary rate for an employee funded by a grant or contract or paid from multiple accounts shall be in compliance with the classification or placement within the appropriate Salary Schedule for that employee contingent on availability of funds from that funding source.

7.3 Salary Increases

Salary increases or step progression yearly for permanent employees is contingent upon available College funds. Salary increases are subject to satisfactory performance-based evaluations.

7.4 Overtime

Only a classified staff employee who holds a position that the supervisor has budgeted shall receive overtime pay when earned and approved by the immediate supervisor prior to the overtime work. Overtime is paid at one and one-half times the employee's current hourly rate and only when the employee has worked in excess of 40 consecutive hours during that week. Overtime should be paid within the pay period that it is earned. Time during which work is not provided, such as travel to and from the work location or meal breaks, are not considered overtime unless approved by the immediate supervisor. An advance written request for overtime shall be approved only if the nature of the work is essential and cannot be accomplished during a regular work day or week. The supervisor has the authority to approve up to 10 hours and the President has the authority for in excess of 10 hours provided the request is justified. The use of overtime will be closely monitored and audited periodically. The alternative to unbudgeted over time is approved Compensatory Time.

7.5 Compensatory Time

Only a classified staff employee who is a regular full-time employee working 40 hours per week can ask for compensatory time. All compensatory time must be approved in advance by the immediate supervisor. Compensatory time may be allowed to a classified staff employee who works overtime but whose department does not have an overtime budget. Compensatory time shall be earned at one and one-half times the employee's current hourly rate. Compensatory time shall be taken within the pay period it is earned. Only in extenuating circumstances and as approved in writing by the immediate supervisor may the compensatory time be carried over to another pay period.

7.6 Flexible Time

A flexible schedule is available to employees with the approval of the supervisor of record on the condition that the schedule meets 40 hours per week (or contracted agreement number of

hours). A flexible schedule is to meet the needs of the college students, staff, and operational responsibilities of the individual. Some examples of requesting such as schedule would be:

1. Working through a Saturday or Sunday due to deadlines. Time can be off during the week of the next two weeks.
2. Traveling to a business function with or without students on the weekend. Time can be off during the week of the next two weeks.
3. Problematic ongoing family responsibility such as taking children to school property in the morning and cannot arrive until 8:15 or 8:30. Time can be adjusted by making-up at the end of the day by leaving at 5:30 p.m.

7.7 Retroactive Pay

In case of a discrepancy between the time a salary adjustment is authorized and the time that it goes into effect, retroactive pay shall be made for the period of the discrepancy. Retroactive pay shall be reviewed and approved by the supervisor.

7.8 Garnishment of Wages

Federal and Tribal court ordered wage garnishments shall be processed accordingly.

7.9 Employee Written Checks and Insufficient Funds

Checks written by employees to the College and later returned by the bank for insufficient funds will be subject to the following collection procedures:

- a. The employee will be notified that the check has been returned and will be allowed five days to pay the full amount of the check in cash or money order. During this five day period, no service charge will be assessed;
- b. If the full amount is not paid within five days, a \$25.00 plus bank fees and service charge will be assessed. The amount of the check plus the service charge will be submitted for payroll deduction until collected in full;
- c. Thereafter, no further checks will be accepted from the employee.

7.10 Payroll Schedule

1. Distribution of checks is at 8:30 a.m. on Friday mornings following the pay period which ends on Saturdays at 12:00 a.m. All personnel are to have contracts and/or PAF's, turned in to Human Resources by the previous Friday.
2. The pay distribution for part-time faculty consists of a term contract mid-draw following the quarter begin date. Pay periods are three times a quarter.

Final checks will be distributed upon receipt of a check release form for turning in grades and/or other formal reports required. Checks are distributed bi-weekly.

3. Non-performance on a part-time or full-time pro-rata faculty member is subject to final check being held until contract requirements are met.

7.11 Payroll Advances

Salary or payroll advances may be authorized for emergencies based upon actual hours worked to date. The employee can request payroll advance by requesting through the appropriate Vice President or President and they may recommend the payroll advance to the Finance Director by signing the documents available through payroll. The Finance Director may approve a maximum of 3 advances per fiscal year for an employee. A fiscal year is July 1st through June 30th of the following year. Advances are paid upon a calculation of 70% of accrued earnings to date, deducted in the next paycheck. Temporary employees will not be considered for salary advances.

7.12 Annual Leave Pay/Classified Staff

Annual leave pay is paid only to classified staff employees and time is accrued based on years of service every month. The classified staff can accumulate leave and do not lose it at the end of the year. If an employee resigns, they will be compensated for remaining annual leave days that were unused. The maximum number of annual leave days that can be accrued or paid out at resignation is 30 days.

7.13 Non-Contract Days – Contract Employees

Administrators and Exempt Managers are compensated only for the days worked in a fiscal year (exempt management includes 12 paid holidays). If an administrator or exempt manager does not complete the yearly contract, the remaining non-contract days that were not used are not paid out.

Carry-over of non-contract days is approved by Human Resources. The maximum hours permitted per fiscal year is 80. A written memorandum is required stating the number of days/hours being requested. A further requirement is that the time carried over must be taken in the new fiscal year by September 30th (90 days), unless there is a valid reason for an exception to extending the 90-day period. Forward a request for a 30-day extension to Human Resources. Thirty-days will be the maximum extension before losing the hours.

7.14 Payroll Deductions

The following payroll deductions are subtracted from all employees paychecks:

- a. MWHT or SWHT – Married or Single Withholding Tax
- b. FICA and MED – Social Security and Medicare
- c. WLA or WLP or WLM – Workmen’s Compensation Liability
- d. LIBC – Tribal Tax (if working on the reservation)
- e. Other – health clubs, additional insurance, retirement fund, or donations to the NWIC Foundation in excess of college’s contribution

- f. Payroll deductions shall not be postponed for federal taxes, FICA, outstanding travel authorizations, college purchases, health and life insurance coverage for dependants, and any other payment owed by the employee to the College or as mandated by employment laws.

SECTION 8 - CORRECTIVE ACTION

8.1 Corrective Action

It is the policy of the College to take steps in changing behavior unbecoming of an employee of the College. The Corrective Action Policy serves this goal. All corrective action taken, including written warnings, suspensions, and terminations shall be placed in the employee’s personnel file in Human Resources. A permanent employee may file a appeal on disciplinary action he/she considers unjust, except a release from probationary employment. (See Section 12 #12.2 Probationary Termination) The appeal shall be resolved in accordance with the procedure set out hereinafter. Corrective Action offenses have a 30-day maximum between the first, second and third offense in displaying significant changes in the behavior.

The verbal warning discussion is to take place first prior to being placed on corrective action. The supervisor is to document the date, time, and dialogue that took place in informing the employee of the problematic behavior, and the expectation for improvement with reasonable deadlines. When the employee does not improve then they are placed on corrective action.

In the event that an employee accumulates two (2) or more written offenses within 30 days or at the same time, with the same or different levels of penalties the expedition of the final result can be determined by the supervisor and Human Resources. For example, if an employee has received written warning for “being absent or tardy without authorization”, “abusing paid leave in a consistent pattern of abuse”, and has had written complaints twice for “making malicious, false or derogatory statements that may damage the integrity or reputation of the College or its employees” the supervisor, HR and final approval by the appropriate Vice President can escalate to 10 days suspension without pay and then to discharge, or if warranted directly to discharge. If the matters are serious enough to warrant discharge the policy will be to terminate the employee. All written documentation and recorded efforts to arrive at improvement and resolution with the employee are required with a recommendation to terminate employment by the supervisor. The President is to be notified of all actions that have reached the suspension phase of the corrective action, and also of any pending termination.

8.2 Index of Offenses and Penalties

	TYPE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1.	Failing to meet adequate levels of job description.	Documented Written	3-5 Days Suspension	Discharge
2.	Failing to safeguard confidential information regarding students, employees or the institution.	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge

	TYPE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
3.	Being absent or tardy without authorization	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
4.	Abusing paid leave such as not obtaining prior approval, lack of verification upon request, consistent pattern of abuse	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
5.	Failing to document and obtain approval for leave taken	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
6.	Using aggressive or hostile language towards another individual in either verbal or written form	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
7.	Making malicious, false or derogatory statements that may damage the integrity or reputation of the College or its employees.	Documented Written Warning	10 Days Suspension Without Pay	Discharge
8.	Supervisors not following guidelines and deadlines for administering performance evaluations yearly	Documented Written Warning	3 –5 Days Suspension Without Pay	Discharge
9.	Unsatisfactory Performance Evaluation	Professional Development Plan	Discharge	
10.	Maliciously spreading of misinformation to co-workers, the public, or media	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
11.	Failing to recognize or abide by the line of authority	Documented Written Warning	3-5 Days Suspension Without Pay	Discharge
12.	Failing to adhere to, or enforce enforce policies or resolutions or other directives approved by the Board of Trustees	Documented Written Warning	5-10 days Suspension Without Pay	Discharge
13.	Insubordinate behavior (disobedient, defiant)	Documented Written Warning	5-10 days Suspension Without Pay	Discharge
14.	Refusing to perform reasonable and proper work assignments from an authorized supervisor, except where the employee's health and ethics may be reasonably jeopardized by the assignment	Documented Written Warning	5-10 days Suspension Without Pay	Discharge

8.2 Index of Offenses and Penalties

	TYPE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
15.	Sleeping, loafing or gambling on the job.	Documented Written Warning	5-10 Days Suspension Without Pay	Discharge
16.	Failing to secure College equipment that may/does result in damage or theft of equipment.	Documented Written Warning and Restitution	10 Days Suspension	Discharge
17.	Being cash short in the handling of College funds without explanation	Documented Written Warning and Restitution	Discharge	
18.	Searching through another employee's personal belongings without permission,	3-5 Days Suspension Without Pay	Discharge	
19.	Searching through another employee's office files, desk, cabinets, shelves and/or equipment without reasonable cause or proper authorization	3-5 Days Suspension Without Pay	Discharge	
20.	Stealing another employee's property.	10 Days Discharge Suspension Without Pay		
21.	Creating a hostile working environment for any employee	Documented Written Warning	10 Days Discharge Suspension Without Pay	
22.	Driving a College vehicle without a valid drivers license	10 Days Discharge Suspension Without Pay		
23.	Permitting unauthorized passengers in a College vehicle such as non-college business passengers, and children	10 Days Discharge Suspension Without Pay		
24.	Using a College vehicle and equipment for unauthorized personal use	10 Day Suspension Without Pay	Discharge	
25.	Unauthorized travel (not consistent with approved travel policy – non-college related)	10 Day Suspension Without Pay	Discharge	

TYPE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
26. Alcohol and substance abuse on job	Documented Written Warning; Immediate Suspension for the day; without pay and mandatory counseling assistance by an appropriate Health Agency (see Drug Alcohol Policy 5.5)	Discharge	
27. Uncooperativeness with a mandatory alcohol or controlled substance abuse counseling or rehabilitation program or health agency.	Discharge		
28. The sale or distribution of drugs while on college campus within a 24 hour day	Discharge		
29. Failing to report and/or repair known chemical or other potential hazards	10 Days Discharge Suspension Without Pay		
30. Violating or neglecting safety rules or contributing to hazardous conditions	10 Days Discharge Suspension Without Pay		
31. Contracting services, promising and/or offering employment without proper authorization	10 Days Discharge Suspension Without Pay		
32. As a result of employee negligence on a business trip involvement in an accident	10 Days Discharge Suspension Without Pay		
33. Intentionally destroying, or damaging, College property without authorization	10 Days Discharge Suspension Without Pay		
34. Committing assault and battery on an employee, student or visitor	Discharge		
35. Obligating the College monetarily without proper authorization.	10 Days Suspension Without Pay	Discharge	
36. A conviction in federal, state or tribal court which puts in question the integrity and trustworthiness of the employee.	Discharge		
37. Committing fraud during the course of college business	Discharge		
38. Theft or conversion of College property for personal gain	Discharge		

8.2 Index of Offenses and Penalties

TYPE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
40. Removing or destroying institutional			Discharge	
41. Abandoning position, which is defined as failure to report to the supervisor or HR for three (3) consecutive working days.			Discharge	
42. Imposing any unwelcome, unwanted or uninvited sexual advances either verbally or physically (Based on Sexual Harassment Policy 6.4)			Disciplinary action will be based on the Sexual Harassment Policy	
43. Negligently endangering the the well-being of another individual that resulted in injury			Discharge	
44. Possessing, displaying or using authorized/unauthorized explosives, firearms, weapons, or other dangerous weapons while on College property in an irresponsible manner			Discharge	
45. Breach of the Code of Ethics		Written Documented Warning	3-5 days Suspension Without Pay	Discharge

8.3 Authority To Take Corrective Action

The supervisor of the employee has the authority to enforce the corrective action steps beginning with a verbal warning and the documented written warning, and suspension. In the event the employee continues the offenses and discharge is a potential result, Human Resources, the immediate supervisor and the appropriate College official is to be informed. A recommendation is to be prepared and signed by both supervisors and all documents forwarded to Human Resources for review of documentation and issues. Human Resources will inform the President of the action being taken.

In the event that a student wants to pursue a complaint against personnel, the student should go to the Vice President of Student Services or the Vice President of Instruction to follow a process.

8.4 Appeal Procedures and Policy for a Corrective Action

The College grants permanent administrators, exempt management, classified staff and full-time and pro-rata faculty members the opportunity to appeal any corrective action. Corrective action may include a documented written warning, suspension without pay, involuntary termination or discharge taken against the employee. The employee who initiates a appeal

shall be treated in a fair and impartial manner, without threat of discrimination, retaliation or reprimand in any manner. Probationary employees are not eligible for appeal rights until the probationary period is satisfactorily completed.

A copy of all written correspondence pertaining to an appeal MUST be submitted to Human Resources.

A. Internal Administrative Appeal Review

1. An employee may submit a written appeal to the immediate supervisor within five (10) working days of the notification of adverse personnel action, or circumstances considered to be unjust, documented and grounds for complaint. The supervisor must provide a written response containing his/her decision to either continue or discontinue the personnel action within five (5) working days of receiving the employee's written appeal.
2. If the employee is dissatisfied with the immediate supervisor's response to his/her appeal, the employee may appeal through the appropriate line of authority. Any supervisor to whom the appeal has been submitted shall notify the employee and the employee's immediate supervisor of his/her decision in writing within five (5) working days of receipt of the appeal.

B. Internal Appeal Committee Hearing

If the appeal is not resolved within the supervisory level, to the satisfaction of the employee, the employee must submit within five (5) working days a request to Human Resources for an Internal Appeal Committee Hearing.

C. Composition of Appeal Committee

The Appeal Committee shall consist of the following:

- 1) A representative from each job classification: administration, classified staff exempt management, faculty.

D. Parties to Appeal Proceeding

The other staff that is present during the Appeal Committee session is the Director of Human Resources, The employee filing the appeal, supervisor of employee filing the appeal, employee receiving appeal, and the supervisor of employee receiving grievance. An option is also a staff member to represent the employee filing the appeal.

E. Appeal Proceeding

1. Within seven (7) working days of receipt of the appeal, Human Resources shall notify the committee members of their appointment to the Appeal Committee. Human Resources shall schedule and notify the parties of the hearing.

2. The Appeal Committee shall select a chair from among its members to preside at the hearing and a secretary to record the minutes. Human Resources shall assist in the recording of the proceeding.
3. The Appeal Committee shall not be bound by any formal rules of evidence applicable in court proceedings. However, document(s) pertinent to the incident and addressing the appeal may be submitted for review by the Committee. Each party will have the opportunity to present evidence in support of its case.
4. Following the hearing, the Appeal Committee shall issue its decision by a majority vote. A written decision, signed by the chairperson is to be submitted to the Human Resources\within five (5) working days.
5. An employee may withdraw their appeal during the process and comply with any previous decisions.
6. An employee who voluntarily resigns while his/her appeal is pending or is in progress shall be deemed to have withdrawn his or her appeal.
7. If the appeal is resolved through the committee decision the proceedings are complete. If the appeal is not resolved to the satisfaction of the employee the next step is the final one.
8. The President reviews all documents and recommendations from the Appeal Committee. The Appeal Committee has (5) days from the non-resolution to present the documents to the President.
9. The Presidential review takes place and meets with employees and supervisors to arrive a final decision. The President has (5) working days after receiving the documentation to meet with all of the parties.
10. The President's decision is final in this proceeding.

SECTION 8.5 GRIEVANCE POLICY AND PROCEDURE

Prior to the formal grievance process the employees with appropriate supervisors are encouraged to have a discussion to resolve the issue. If the issue is not resolved, the written formal allegation starts the grievance process. (Harassment is covered under Section 6.4, p. 10)

Definition and Scope

A grievance is defined as, and limited to a formal written allegation by a grievant that he/she has been adversely affected by a violation of a specific personnel policy. Complaints that do not meet this definition will not be considered under this procedure.

A grievance is applied when any one of the personnel policies have been violated, but there was no corrective action in place at the time. The appeal procedure is different than the grievance procedure as an appeal must be related to an employee who has been placed on Corrective Action for one of the offenses stated in Section 8.

The employees that are eligible to file a grievance are those that are eligible to be offered benefits at the College and are covered under the Personnel Policies -- full-time and pro-rata faculty, classified staff following the successful completion of the required 90-day probationary period, administrators on a contract, and exempt management employees on contract. Temporary and part-time/adjunct employees may not file grievances under this policy.

1. Examples of actions which may be grievable under this procedure, include:
 - a. A grievance when a representative of the College is alleged to have violated one or more sections of a personnel policy.
 - b. A representative of the College is alleged to have misapplied one or more sections of a personnel policy.
 - c. An employee who reaches the suspension step of corrective action but has not reached termination in that process. (Section 8 of the Personnel Policies)
 - d. A performance evaluation has been used in a way to terminate or suspend the employee.
 - e. After termination an employee has 5 days to file a grievance based on the cause of the termination.
2. Examples of issues, which are not grievable under this procedure include:
 - a. Termination of employees in their initial hire probation period (first 90 days).
 - b. Termination related to lay-off or to expiration of temporary or externally funded grants or contracts (unless the grievance alleges policy statement violations).
 - c. Position classification determinations or reassignment, transfer, or classification changes as a result of re-organization.
 - d. Failure to offer a new employment contract.
 - e. Actions or procedures that are not included in the personnel policies.

SEQUENCE OF PROCEDURAL ACTIVITIES FOR FILING A GRIEVANCE

Step No.	Activity	Timing	Parties that May Be Involved	Result
1	Initial grievance - conference written allegation of incident	within 10 days	Employee filing the grievance Supervisor of employee filing grievance Employee receiving grievance Supervisor of employee receiving grievance Director of Human Resources	Meeting is scheduled resolve the grievance
	Meeting to resolve grievance	must take place within 5 working days of grievance being filed	Employee filing the grievance Supervisor of employee filing grievance Employee receiving grievance Supervisor of employee receiving grievance Optional – Staff Member for employee filing the grievance	--If resolved with mutual satisfaction, matter is ended. --If unresolved move to Step 2, Grievance Committee Review
2	*Grievance Committee Review of Appeal Employee appeals decisions to the HR Director to select committee based on policy criteria	within 5 working days after non-resolution	*Grievance Committee 1 representative each job classification Employee filing the grievance Supervisor of employee filing grievance Employee receiving grievance Supervisor of employee receiving grievance (Optional) Staff Member for employee filing grievance	Grievance Committee with mutual
	Grievance Committee hears all evidence and renders a decision	within 15 working days of official receipt of grievance	Same as above in Step 2	The decision is made by majority rule
	Grievance Committee informs all involved of decision	within 5 working days of the completion of proceedings	Same as above in Step 2	If the grievance is resolved the proceedings are complete. If the grievance is not resolved, the next step is the final one.
3	** Written Grievance for Review by the President Documents, notes from resolution meeting, Grievance Committee documentation and findings, provided to the President	within 5 working days from non-resolution	President Employee filing the grievance Supervisor of employee filing grievance Employee receiving grievance Supervisor of employee receiving grievance (Optional) Staff Member for employee filing grievance	
	President reviews all of the documentation, and meets with employees and supervisors to give a decision.	within 5 working days after receiving the documentation	President Employee filing the grievance Supervisor of employee filing grievance Employee receiving grievance Supervisor of employee receiving grievance (Optional) Staff Member for employee filing grievance	The President's decision is final.

* Selection of Grievance Committee is selected by Human Resources, comprised of one representative from each job classification: Classified Staff, Administration, Exempt

Management, and Faculty plus the Human Resources Director. A committee will be formed randomly selecting names from an unbiased method of selection; for example each employee assigned a number in each job classification and selecting one number from each group until a qualified committee member is found from all job classifications. The employees selected are to be acceptable to both parties; cannot be related to the grievant, nor a co-worker, nor affected by the outcome of the appeal. The parties can formally put in writing the rationale used in not accepting a Grievance Committee member, to the Director of Human Resources. The selection criteria is followed again until an acceptable committee is formed.

**In the event that the President is the subject of a grievance by an employee Step 1 will be eliminated and the Director of Human Resources will contact a Judicial Officer to perform the duties of the Grievance Committee in Step 2. If resolution has not taken place then Step 3 will be a final decision by the Board of Trustees Chair. That decision will be considered final.

SECTION 9 - EMPLOYEE BENEFITS

9.1 Description of Benefits

1. Northwest Indian College provides fringe benefits to eligible individual active employees. Changes in the options and the dollar amount must be reviewed and approved by the Board of Trustees before any changes to increases is paid to the provider.
2. The benefit package is reviewed annually by the Board of Trustees. The amount to cover benefits for an employee is approved by the Board of Trustees at that time and the required amount to be allocated monthly to the retirement fund. The college is not required to provide benefits as an employer and changes that take place in any given year may increase or decrease the selection of or type of benefit, depending on economic conditions.
3. The benefit documents are in Human Resources office and are provided to the employee when he/she become eligible. The options available require an allocated amount to be placed in the retirement fund, and the balance to be used for health insurance providers. If the employee has coverage through a spouse, or tribal health, the balance of the approved monthly allocation is placed either in TIAA/CREF fund, taxable payroll, or both with the decision being made by employee if selected by employee.
4. A life insurance policy for \$10,000 is provided for each eligible employee at no cost. Additional coverage is also available for purchase through Voluntary Life and is paid for by the employee with specific criteria for eligibility on amount. The employee has the option to purchase this and is paid for out of payroll monthly.

The College also provides policies for short-term disability, accidental death-dismemberment, and long-term disability at no cost to the employee.

9.2 Eligibility

The employees that are eligible for benefits are:

- a) F/T classified staff employees that completed the 90-day probationary period successfully

- b) part-time classified staff employees (20 hours or more per week) that have completed the 90-day probationary period successfully – dollar amount is pro-rated based on number of hours worked per week. This affects the out of pocket required by the employee.
- c) administrative, and exempt management, from day 1 of the contract period.
- d) full-time/pro-rata faculty from day 1 of the contract period (10 month or more contracts).
The two summer months not included in the yearly contract provide continuous coverage for health insurance for the individual only, and not the spouse or dependants. The retirement fund is frozen for the two month period and no allocations are made for the employee.

9.3 Continuation of Benefits

The benefits are cancelled on the final day of the month during the month in which an employee terminates their employment. The election of COBRA (Continuation of Benefits Requirements Act) benefits is offered to the employee who wishes to continue with the medical and dental care. Detailed information on COBRA is in Section 12 Separation of Employment – 12.5.

SECTION 10 - HOLIDAYS AND LEAVES

10.1 Holidays

The College recognizes the following holidays:

- | | |
|----------------------------------|--------------------------------------|
| 1. New Year’s Day | January 1 |
| 2. Treaty Day/Martin Luther King | 3 rd Monday in January |
| 3. President’s Day | 3 rd Monday of February |
| 4. Memorial Day | 4 th Monday of May |
| 5. Independence Day | July 4 |
| 6. Labor Day | 1 st Monday of September |
| 7. Veteran’s Day | November 11 |
| 8. Thanksgiving Day | 4 th Thursday in November |
| 9. Native Family Day | 4 th Friday of November |
| 10. Christmas Eve Day | December 24 |
| 11. Christmas Day | December 25 |
| 12. New Years Eve Day | December 31 |

If any of the holidays noted above fall on a Saturday or Sunday, the preceding Friday or the succeeding Monday shall be observed as the holiday.

10.2 Administrative Leave

All full-time regular employees are eligible to be excused with pay if they have met the following requirements:

- 1. If an employee’s work schedule is such that he/she would be unable to participate in the activities noted prior to or after normal working hours, he/she may be granted a reasonable

amount of time to perform the activity (not to exceed 4 hours).

2. Administrative leave must be approved by the first-line supervisor and appropriate College official in advance of the absence and is applicable only when applied to the entire college.

Activities that are considered administrative:

1. Donating Blood
2. Voting - local, federal, or tribal elections
3. Traveling home from work safely under hazardous road conditions

College employees should be aware that they are the final judge when weather and/or road conditions are appropriate for travel between work and their home. In the event that the College decides to remain open during inclement weather but the employee feels that road conditions are too hazardous to travel, he/she should notify the administration of the desire to take annual leave rather than report to work.

Other extraordinary leave that may be identified as administrative can only be granted by the Vice President's office such as snow days, earthquakes, tornadoes etc.

10.3 Annual Vacation Leave - Classified Staff

Full-time classified support staff with permanent status are eligible to earn and use annual vacation leave in accordance with certain criteria and conditions. Part-time permanent staff will earn and accrue annual vacation leave on a pro-rated basis determined by the percentage of hours worked in a full-time work week.

Employees earn and accumulate annual vacation leave as follows:

<u>Yrs. Service</u> <u>from</u>	<u>through</u>	<u>Hrs. Monthly</u> <u>accumulated</u>
0	5th	8
6th	10th	10
11th	15th	12
16th	to perpetuity	14

- 1) Hours accrued are continuous and begin on the original date of hire.
- 2) The accrual automatically accumulates and is adjusted according to hours or days taken.
- 3) When an employee takes annual/vacation leave the accrual of annual leave time is still continuous during that vacation period and will automatically accumulate as if on active status.

Note: Employees that have a break in service, and eventually return to the college in either the same or a different position are not given credit for the original length of service. The date of

hire is recognized as the most recent start date for the purpose of accumulating annual vacation leave.

The maximum accumulation of days for annual vacation leave is 30 days or 240 hours. Once an employee has reached this maximum, the accumulation amount beyond the 240 hours/30 days, or the equivalent of pro-rated part-time hours/days will be lost.

An employee must receive approval by the supervisor for taking specific hours/days for annual vacation leave. Annual vacation leave should be requested at the mutual convenience of the college and the employee. Supervisors are not required to approve annual vacation leave that is taken without prior notice; however, they are encouraged to approve all requested annual vacation leave because the employee has earned it.

Temporary employees are not eligible for annual vacation leave. Probationary employees that receive permanent status after the 90 days period will earn and accrue annual vacation leave from the first full month of employment. The accrual will be accumulated for the 90-day period and posted to the employees annual vacation leave balance following the change to permanent status.

10.4 Non-Contract Days and Administrator and Exempt Management Contracts

NWIC issues a contract for the administrative and exempt management staff yearly, with the fiscal year beginning on July 1 of the current year and ends on June 30 of the following year.

The employee's responsibility is to provide services to the college for a specific number of contract days per fiscal year. The non-contract days are identified as days that are not holidays, weekends or contract days. Non-contract days are used in lieu of paid annual leave. Administrators receive 22 non-contract days and exempt management employees 15 days.

Non-contract days that have not been used by June 30th can be carried over into the next year. A maximum carryover of 10 non-contract days (80 hours) from one fiscal year to the next. Carryover of days must be used within three months of the new fiscal year.

Human Resources approves administrative requests to carryover unused non-contract days each year. Sick leave, funeral leave, cultural leave, maternity, paternity does not accrue sick leave and annual leave for the duration of the leave.

10.5 Sick Leave

1. Classified staff earn and are eligible for 8 hours (1 day) per month of sick leave for each full month worked.
2. Part-time permanent employees earn sick leave on a pro-rata basis determined by the percentage of hours worked in a full-time work week.
3. Full-time and pro-rata faculty receive 3 days of sick leave at the time of signing the faculty contract and after completion of their first quarter of employment may earn and accrue sick

leave at the rate of 1 day per month up to a maximum of 9 days per contract year.

4. Part-time faculty are entitled to 1 day of non-accumulative sick leave per quarter. A day is defined as the assigned workload for the day missed due to illness or injury. Sick leave benefits will be paid only for approved absence and for times when employees would otherwise be scheduled for work.
5. Administrators and exempt management employees accrue 8 hours per month.

Employees requesting sick leave must inform the supervisor of their absence and the nature of the illness/injury no later than 8:30 a.m. on the day of each absence. If the supervisor is not available, notifying another department member to take responsibility to notify the supervisor will be in accordance with the requirement. Faculty are required to call the appropriate Chair's office. Failure to make such notification could result in leave without pay.

Sick leave credit may not be utilized or taken in advance of the time being earned or accrued. Sick leave cannot be charged or taken for use as annual/vacation leave. The employer has the right to request a physician's statement to verify the extent of the illness or injury and when the employee may return to work and will be provided at the employee's expense. Sick leave has a maximum accrual of 240 hours or 30 working days.

When an employee separates from the college the sick leave accrued is lost. Use of sick leave for illness, injury, doctor and dental appointments is permitted for self or in assisting family member.

The new employee earns sick leave beginning with the first full month of employment. However, the actual accrual is not enacted until the 90-day period of probation has been completed and the employee status changes to permanent.

10.6 Leave Without Pay

1. All accrued annual leave or sick leave, whichever is applicable, must be exhausted before an employee may enter a leave without pay status.
2. An employee may make a written request for a leave of absence. A leave without pay request shall be supported by documentation justifying the request. The request and the duration of the leave must be approved by the appropriate line of authority and Human Resources. Any extension must be justified in writing by the employee and approved by the President.
3. Any extension must be justified in writing by the employee and addressed to and approved by the President. Expected duration of the extension, and reasons for request. Extensions are not guarantees and the needs of the college are always a primary concern in the final decision to grant the request or not. A temporary employee may be hired during this time if needed.

10.7 Funeral Leave

1. All eligible employees shall be granted compassionate leave with pay for attending funerals for a designated number of hours/days. Requests for extended funeral leave will be considered and approved with conditions, as stated below.
2. The definition of “family member” is father, mother, spouse/recognized spouse, son, daughter, sister, brother, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, great grandparent, great grandchild. In-law and step relationships are defined as the same as and are recognized as being family member in relation to funeral leave.
3. The family of the deceased may request the active participation of some employees during the funeral; as the family speaker, sitter, casket maker, head cook, cooks helpers, pallbearer, and including honorary in the funeral services. Employees that are non-family members, and are not participants in the funeral but are considered friends of the deceased or family, are eligible to attend the funeral.
4. The supervisor is to be notified of the funeral leave being taken, however the employee that is a family member of the deceased may have someone call the supervisor to inform them of the death in the family. All other employees that are not part of the family are requested to call the supervisors directly to request funeral leave benefits.
5. Approved funeral leave with pay:
 - Family member: up to 3 days
 - Active participants: varies 8 hours/up to 3 days (depending on activity participant is fulfilling for the family)
 - Non-family member: up to 4 hours
6. Extended funeral leave - eligible employees may request the approval for additional days of absence beyond the approved time granted. The extra hours/days will be charged to annual or sick leave accrued or leave without pay, at the employee’s discretion.

10.8 Cultural Leave

1. Permanent employees shall be required to request leave to participate in a tribal spiritual ceremony i.e., seowyn, sundance, etc. Annual leave, sick leave or a combination of leave with pay and without pay may be granted for a period of up to four (4) weeks. Approval for an extended period may be granted with the concurrence of the appropriate supervisor and the College President.
2. The employee is responsible for making known in advance the intention to request leave for cultural purposes including the type of leave, approximate dates and anticipated duration in order to allow the department to prepare for the staffing adjustments which may be necessary. If the cultural event makes notification impossible for the primary recipient, then a family member may arrange for the employee’s request and approval of leave.

10.9 Maternity/Paternity Leave

1. A request for maternity leave will be considered on the same basis as other requests for leave. Maternity leave shall be applied to the employee's individual accrual accounts until each one is depleted; sick leave, then annual leave, and then followed by a request for leave of absence without pay. Under normal circumstances, maternity leave shall be granted for up to a period of four (4) months following delivery. Maternity leave which exceeds the accumulated sick and annual leave constitutes a break in service with respect to the accrual of additional sick and annual leave benefits.
2. A male employee may request leave for purposes of caring for his minor child(ren) or of his newborn child.

Paternity leave shall be charged to the employee's accounts until each one is depleted; sick leave, then annual leave, and then followed by a request for leave of absence without pay.

3. The employee is responsible for making known in advance the intention to request leave for maternity/paternity purposes including the type of leave, approximate dates, and anticipated duration in order to allow the department to prepare for any staffing adjustment which may be necessary. The employee's position may be filled on a temporary basis during the employee's absence.
4. Maternity/Paternity leave does not constitute a lay-off or permanent separation from the college. Employees are not permitted to apply for Unemployment Compensation during leave time. Employees that are eligible for Maternity/Paternity Leave are governed by the stipulations of the policy and are not permitted to substitute the Family Medical Leave Act in its place. The Family Medical Leave Act is found in the Appendix of this manual.

10.10 Reserve Military Leave

1. Any employee who presents official orders requiring his/her attendance for a period of training or other active duty as a member of the U. S. Armed Forces, Reserve Corps or State National Guard shall be entitled to military leave for a period not to exceed two (2) weeks or (10) working days per year and for days that the employee would have been scheduled to work. The employee shall be entitled to re-employment rights up to one (1) year as long as he/she is on approved military leave.
2. The compensation for employees on approved reserve leave shall be equal to their regular salary minus their military salary for the period of reserve leave. Verification of military pay must be presented to the college prior to receiving compensation from the College. No College compensation will be made to employees whose military pay exceeds their college pay or for those who fail to verify their military pay. An employee that is on military leave will continue to be covered under the health benefits plans enrolled in prior to the leave. Accruals of sick leave and annual leave will continue to accrue.

10.11 Military Leave

1. Military leave shall be granted to an employee who is called into active military duty in any branch of the U. S. Armed Forces, as prescribed by Federal law.
2. Employees who volunteer for extended military service may reapply for the position they vacated, or apply for a vacant position of equal status within ninety (90) days of discharge, as prescribed by the Veteran's Re-employment Rights Act.

10.12 Jury Duty

All regular full-time/part-time employees are eligible for benefits if summoned for Jury Duty. An employee shall be granted leave with pay for jury duty. The employee called for such duty shall advise their immediate supervisor as soon as they are summoned.

SECTION 11 - EMPLOYEE DEVELOPMENT

11.1 Training and Professional Development

1. All permanent employees are eligible to obtain formal training and development. A request shall be submitted to and approved by the immediate supervisor and Human Resources. Training and development shall be clearly related to the employee's current position and shall be in the form of workshops, seminars, conferences and orientations.
2. The first step in the development of an individual Professional Development Plan is for the employee and supervisor to meet with the Director of Human Resources to collaborate on the plan based on three categories of development – education, job experience and developmental activities. The plan contains planned activities, timelines, progress meetings, and expected end date for completion. There is also an Agreement to commit to the plan and signed by the employee. Development may be requested for development into a position already existing, a position to be mentored for, or fulfill a requirement for higher education in either type of position. Development may also be initiated to enhance the already existing skills of an employee.

11.2 College Courses Taken During Working Hours

An employee with an approved career development plan, satisfactory academic progress, and satisfactory performance appraisals, may take a maximum of 5 hours per week, per quarter, (including travel time) with the approval of the immediate supervisor and documented with Human Resources. The college will allow a schedule that includes 35 hours per week at work. Lunch hours cannot be substituted for time included in the 35-hour workweek.

11.3 Educational Benefits

Permanent full-time employees and continuing faculty members are eligible for educational benefits. Employees serving the required probationary period are excluded.

11.4 Tuition Waiver for NWIC College Courses

Employees who are not receiving any type of scholarships and have exhausted all scholarship and financial aid funding are eligible for a full tuition waiver per quarter for NWIC courses. The courses are to be linked to personal development, career development, health and wellness or cultural courses.

11.5 Extended Educational Leave

1. An employee who has been employed for five (5) or more years may be eligible for educational leave of up to one (1) academic year to pursue an advanced college degree. An employee shall use accrued leave for compensation. If annual leave hours are exhausted, the employee may be placed on leave without pay.
2. A formal request for educational leave together with a proposed course of study shall be submitted through the supervisor, appropriate College official and Human Resources no later than three (3) months before the date of leave for approval. Upon approval of the educational leave request, the employee shall sign an Extended Leave Agreement.
3. The Extended Leave Agreement shall stipulate that the employee commit to a specific period of employment with the College which will equal the length of his/her educational leave.
4. At the conclusion of each semester the employee shall submit an official transcript to the Human Resources as documentation that he/she attended school.
5. The College may hire a temporary replacement who will be employed in the vacated position until the employee returns. In the event an employee voluntarily terminates his/her educational leave, the employee shall immediately notify the Human Resources of his/her intention to return to work.
6. For the purpose of calculating seniority and length of service, the personnel record shall show no interruption of employment status by the educational leave if the employee returns to work for the College.

11.6 Sabbatical Leave

1. Sabbatical leave may be granted for study, research, positive work experience or other activities related to professional development. Sabbatical leave is intended to upgrade the educational programs of the College by improving faculty competence. The number of sabbatical leave grants for any year is limited in accordance with the goals of maintaining the integrity of the academic program and the financial contracts for the College.
2. Sabbatical leave shall be subject to approval by the Board of Trustees and is contingent upon the availability of funds and a suitable replacement. A faculty member is eligible for sabbatical leave of duration equal to one contract year after serving 6 years as a full-time

faculty member. The faculty member is responsible for finding a grant and the college will support the employee with 50% combination of grant monies and/or institutional funding.

11.7 Pursuit of Higher Ed and Contract Modifications

If a employee requests modification of the current contract due to acceptance in a Master's Program, or doctoral program the following considerations and conditions are to be given:

A. Considerations:

- 1) the change in work schedule must not affect the needs of the college adversely;
- 2) employee and supervisor have not been able to work on a flexible 35 hour schedule that is feasible.

B. Conditions:

- 1) If a temporary hire is required to fill in, the budget for the program ,is to be available.
- 2) Approvals required to initiate a new contract - immediate supervisor; appropriate College official, Human Resources; and Grant Accountant and the President.

SECTION 12 - SEPARATION OF EMPLOYMENT

12.1 Resignation or Reassignment

Classified Staff - Voluntary resignation or change in job status, such as internal movement is to be processed by the immediate supervisor. A minimum of two weeks (10 working days) notice is required. However, if there are unusual circumstances, a supervisor and employee may agree to less than the two weeks.

Administrative resignations are required to be in writing and submitted two weeks (10 working days) prior to final day of employment.

Exempt Management resignations are required to be in writing and submitted two weeks (10 working days) prior to the last working day.

Administrative and exempt management employees are not eligible to be paid out for the remaining unused non-contract days. The employee may use the remaining non-contract days up prior to the departure. Sick leave is not paid out under any circumstances concerning separation/termination.

Faculty resignations will be accepted only at the conclusion of each instructional quarter. It is also expected that such resignation will be submitted with a minimum of one month's notice. The responsibility for completion of the contract and it's responsibilities is with the faculty member.

No checks will be released to a faculty member until the grades have been submitted.

12.2 Probationary Terminations

During the probationary period, an employee, regardless of classification, may be terminated at any time and with, or without, cause. The employee shall not be eligible to appeal this termination.

12.3 Involuntary Discharge/Termination

If an employee has been through the steps in corrective action and the result is discharge, the appropriate administrators are to prepare the recommendation for discharge with documentation collected during the corrective action. A recommendation for discharge is made to Human Resources. Human Resources reviews all documents and agrees/disagrees with the discharge. Human Resources informs the President of the discharge. The actual termination is performed by the supervising manager after the process is complete. The Board of Trustees will be notified of the discharge at the next months meeting.

The Employee is expected to leave the property immediately after he/she has given the supervisor all items belonging to the college that have been in possession of the employee.

12.4 Supervisor's Responsibility

The supervisor of the employee that has submitted a notice of resignation is responsible for completing a "Separation Notice" (forms in Human Resources). The "Separation Notice" assists the supervisor in insuring that all of the necessary tasks are performed in concluding an employee's active employment (i.e., completing forms, returning keys, turning in equipment, etc.) The signatures of employee and supervisors are required. Exiting employees who do not cooperate with separation requirements may be subject to appropriate remedies as withholding final checks.

12.5 Exit Interview

All permanent, full-time, and regular employees are expected to participate in an "Exit Interview." Human Resources is responsible for arranging a scheduled appointment with the employee during the last week of work. The purpose of the exit interview is to assist the college in collecting important data. The information is used to help evaluate progress in improving retention of employees, provide a quality of work life for the employees, identify trends, and serve as a tool in planning for necessary change.

12.6 Effect on Fringe Benefits

Medical and Dental - Employees covered by Medical Insurance and Dental Insurance will be covered for the full month of the date of termination. If the employee is employed for any day of the month, the coverage remains active until the last day of that month. Continuation of coverage is an option for employees that wish to continue health and dental insurance and is covered in the heading of COBRA 12.7.

Retirement Fund - Employee payments will remain active up to and including the final day of work. On the final day of work the account will become inactive and no funds will be allocated beyond the termination date.

12.7 COBRA (Continuation Of Benefits Rights Act)

Continuation of benefits is a right for any employee that has been covered under a medical plan offered by Northwest Indian College at the time of separation. If an employee wishes to continue coverage for medical care he or she can arrange to make monthly payments to the insurance carrier through the college administrator and the payroll office. The administration of

COBRA is the responsibility of Human Resources. The employee will receive notification documents within two weeks of termination. A second mailing is sent following the receipt of the returned response from the employee. This mailing contains the customary election forms for continuing benefits.

The employee is responsible for full payment of the fee and payment to the provider. NWIC is not responsible for administration of the payments after resignation/termination.

Coverage may be continued for a period of 18 to 36 months, (subject to regulatory change) depending on the nature of the qualifying event. Additional information is available through Human Resources.

12.8 Performance and Retention

Performance evaluations that are consistently less than satisfactory for a period of one year with a minimum of two (2) evaluations being conducted during that time will result in initiation of Corrective Action. Classroom evaluations for faculty are included in this evaluation. If improvement is not recognized and conditions of a developmental performance plan show no progress during the required period discharge will be the final result. All personnel are expected to exhibit ratings that are a minimum of "satisfactory"; the desired result is "exceeds the minimum". If the evaluation of faculty and administration is less than satisfactory, no additional contract will be issued. A developmental performance plan is at the discretion of the supervisor.